

Your Rights Online: Woman Wins Right to Criticize Surgeon on Website

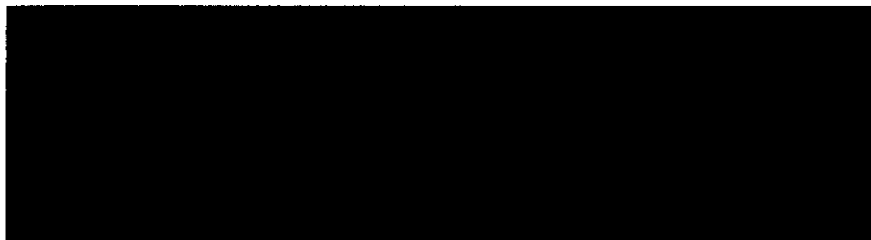
Posted by samzenpus on Thursday February 08, @12:05AM
from the tell-it-like-it-is dept.

Scoopy writes

"The website of a cosmetic surgery patient critical of her Sacramento surgeon's work is protected free speech, an appeals court said in an opinion that could have statewide implications. The website contains before and after photographs of 33-year-old Georgette Gilbert, who said the surgery left her with one eyebrow higher than the other and a surprised look permanently affixed to her face. The website was challenged in a defamation suit filed by surgeon Jonathan Sykes, a prominent professor and television commentator on the subject of cosmetic surgery. Although the Sacramento-based 3rd District Court of Appeal only mentions Sykes, the opinion suggests that others who use 'hot topics' of public interest in their advertisements and promotions may shed protections against defamation afforded to ordinary citizens."

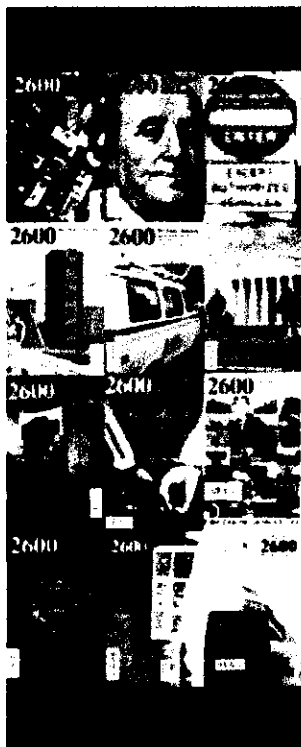


Precedent



| Main Page | Off the Hook | Off The Wall | Brain Damage | RNC 2004 | The Magazine | Store | Covers | Meetings |

Precedent



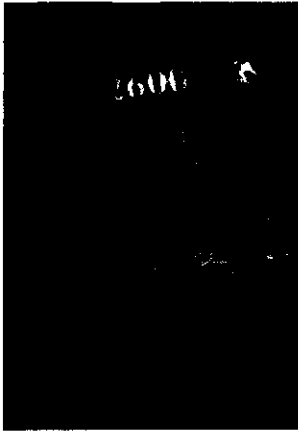
2600 WINS FORD LAWSUIT - RIGHT TO LINK UPHELD

Posted 23 Dec 2001 01:52:12 UTC

On December 20, a ruling was issued denying Ford's complaint against 2600. Last April Ford Motor Company sued 2600 Enterprises for pointing ~~Link~~ generalmotors.com at their website. The judge's decision reaffirms the right of domain name holders to point their websites where they choose. While the court avoided ruling on important First Amendment issues, it flatly rejected all of Ford's trademark infringement claims. "This is a decisive victory and we are absolutely delighted," said attorney Eric Grimm who argued the case for 2600. "The court ruled consistently with the law and all precedent."

In an eleven page decision, Judge Robert H. Cleland of the Eastern Michigan District Court dismissed each of Ford's claims. Ford had asserted that hyperlinking to their website or referring to it in DNS records constituted a variety of trademark violations. Judge Cleland rejected Ford's twisted interpretation of the trademark act, which claimed that by disparaging Ford's mark and preventing it from "fully exploiting the value of its mark" 2600's actions constituted a commercial use. The decision goes on to draw a distinction between cases in which a trademark was included as part of a domain name, and this case in which "Defendants only use of the word 'ford' is in its programming code, which does no more than create a





hyperlink--albeit automatic--to Plaintiff's "ford.com" site." He later adding that "...programming code, unlike the unauthorized use of a trademark as a domain name, does not inhibit Internet users from reaching the websites that are most likely to be associated with the mark holder."

The court further strengthens the right to hyperlink by stating that "Trademark law does not permit Plaintiff to enjoin persons from linking to its homepage simply because it does not like the domain name or other content of the linking webpage." Finally the court held that given the lack of "connection with goods or services," the standards for unfair competition are "not satisfied simply because a prospective user of the Internet may face some difficulty in finding the home page he is seeking."

2600 would like to thank Eric Grimm for doing a fantastic job on very short notice, and breaking our longstanding tradition of judicial defeat. We'd also like to thank the Electronic Frontier Foundation for their continued support and all of our readers who have donated their time and money towards this case.

Order Denying Plaintiff's "Motion for Preliminary Injunction" (HTML)

Order Denying Plaintiff's "Motion for Preliminary Injunction" (PDF)

Printer-Friendly Format

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The fast and fun
way to sell on eBay!



WHAT SELLS WHO CAN SELL HOW IT WORKS AUCTIONS LOCATIONS FEES ABOUT US



Press Room

Behind the Counter from the Greenville Journal

BidZirkSM is featured in the Greenville Journal's 2005 *Behind the Counter*, an inside look at local entrepreneurs and their businesses.

- [Click here](#) to see the details on BidZirkSM
- [Click here](#) to view the entire issue.

Proof Bidzirk links to same
article on ^{the} ~~website~~ In fact, this
is where I found it.

From the beginning ... I could tell the owner was a yes man. Of course, I have to be honest ... eBay is; in and of itself a *yes man paradise*. Many sellers over promise and under deliver.

Although the owner seemed like a yes man ... I had done my home work ... he had owned an ecommerce B2B company called *ChannelLinx*. Tech savvy? Possibly ...

* ChannelLinx is promoted at the Bidzirk site indirectly and at the bottom of each page as a technology & design assistance partner.

He explained to me how he had just gotten married and was planning his honeymoon in a week's time.

Wait! He was getting married, going on a honeymoon, and starting a (in his own words) "*multi-location business that will be national in 5 years time*"?

No picture of owner was placed on MY website
only the link circled which pointed to (see
next page)



Jill Patterson & Ty Schmidt

Jill and Ty Schmidt prepared to leave to start up the coffee house, both knew they'd make a great team. Now the couple is celebrating April 23rd, starting their business. We're proud to support local businesses, so we're proud to support BidZirk. Our local coffee shop might drop off more coffee than it takes to open 15 to 20 of the coffee

Avenue and in New York Plaza the Kiosk.

They decided to open the business after realizing that many people want to get on eBay, but don't know how to get started or manage the transaction. With more than 10 years of experience, they spend more than \$1000 per second on eBay, it's a quick turn of

the situation. BidZirk is a company that provides a variety of services, and Rehabilitation is a company that employs a mid-level people at the time to take care of the business. BidZirk is an innovative company that provides a variety of services, and Rehabilitation is a company that employs a mid-level people at the time to take care of the business. BidZirk is an innovative company that provides a variety of services, and Rehabilitation is a company that employs a mid-level people at the time to take care of the business.



all of the text is in the picture

This is NOT ON MY

SITE!!

throughout North Carolina, south Carolina and Georgia over the next two years, with the first one coming in 2007.

to clean out clutter or bring in some extra cash, and Bidzini made it easy to do all of the paperwork.

in Greenville. "It's a beautiful area, the timing is great, and the people are wonderful," he said.

www.bidzini.com
www.bidzini.com
www.bidzini.com
www.bidzini.com

Page 7 of 9

Example of inventory we took down
records

Bidzerk (1st trip May 2005 to Congaree Rd)

Dave, Rus, John (bidzerk coworker), Ty (owner), Jill (wife), 2 assistants

Each approximately 2GB below by 512MB ECC SDRAM DIMMs, each with Fibre channel card

9GB drives worth \$15+ each

18.2GB drives worth \$25+ each

Netfinity server

2-9gigs, one scsi card

One

5500 \$250

Netfinity server

2-9gigs, one scsi card

One

5500 \$250

2- Compaq mainframe 100u, holds 25 server cabinets each \$500 each

Take out 12 outlet cabinet length surge protectors to sell separately \$50 each

Vidar scanner-wide format--truscan select, 2 microscsi model p-21

3' wide, has stand

\$400 ???

Netfinity server

0-9gigs, 3 scsi card

One

5500 w/lower 2u rackmount full \$300??

Netfinity server

2-18.2gigs, 2 lvd scsi card

One

7000

\$350??

Netfinity server

1-18.2 gigs, one scsi card

One

5500

\$300??

Netfinity server

2-9gigs, one scsi card

One

5500

\$250

Dell poweredge 4300 p2

\$100??

Netfinity server

1-18.2gigs,

One

5500--2u rackmount

\$257??

Netfinity server

3-9gigs, 2 scsi cards

One

5500

\$300??

Cpi \hatsworth rack

3 shelves

100u

\$50 each

Need 9 power cords

Total 6 unit-nf

1 poweredge

1truscan

2 racks

30 Dell Bags

\$30 each

A handwritten signature or set of initials, possibly 'J. H.', written in black ink. It features a large, stylized 'J' followed by a smaller 'H' and a flourish.